



Entered on Docket  
October 13, 2011

A handwritten signature in black ink, appearing to read "Linda B. Riegler".

Hon. Linda B. Riegler  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR  
Chapter 11

**Order Sustaining Amended First Omnibus  
Objection Of USACM Trust To Proofs Of  
Claim Based Entirely Upon Investment In  
The Binford Medical Developers Loan**

Hearing Date: September 30, 2011  
Hearing Time: 9:30 a.m.

The Court having considered the "Amended First Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The Binford Medical Developers Loan." ("Binford Medical Developers Loan") [DE 9056] (the "Objection"); the Court having heard the Objection on September 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on **Exhibit A** does not

1 affect the direct lenders' right to repayment by the borrower or from the collateral securing  
2 the Binford Medical Developers Loan; and good cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 9056] is sustained; and  
5 2. The claims listed on **Exhibit A** attached are 85% disallowed and 15%  
6 allowed because those claims are based entirely upon an investment in the Binford  
7 Medical Developers Loan.

8  
9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**  
11

12 By /s/ John Hinderaker (AZ #018024)

13 Robert M. Charles, Jr.

14 John Hinderaker (*pro hac vice*)

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## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

\_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

\_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:  
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)  
Attorneys for USACM Liquidating Trust

# # #

Claim	Name	Address	Total Claim Amount Relating to the Binford Medical Developers, LLC Loan	Approximate Amount Subject to Objection Because it Relates to an Investment In the Binford Medical Developers, LLC Loan	Amount Allowed
10725-00299	Bruno, Vincent	4961 E Patterson Ave Las Vegas, NV 89104	\$50,487.00	\$50,487.00	\$7,573.05
10725-00102	Digrazia Dmd PSP, Peter M	C/O Christopher D Jaime Esq Po Box 30000 Reno, NV 89520	52,583.35	52,583.35	7,887.50
10725-00740	Fuchs, Stephen J	117 29Th Ave N Saint Cloud, MN 56303-4253	50,000.00	50,000.00	7,500.00
10725-01045	Hartwell, Harold	3424 E Tonopah Ave N Las Vegas, NV 89030	150,000.00	150,000.00	22,500.00
10725-02185	Louise Alport Kolberg Revocable Trust	Louise Kolberg Trustee 5914 Onondaga Rd Bethesda, MD 20816	100,756.00	50,378.00	7,556.70
10725-00889	Marston Family Trust Dated 8/13/93	E Grace Marston Ttee 1184 Camano Court San Jose, CA 95122	52,430.56	52,430.56	7,864.58
10725-00869	Marston, John M & Linda S	12441 Road 44 Mancos, CO 81328	52,430.56	52,430.56	7,864.58
10725-01683	Mcknight, James E	233 Branch Ave Freeport, NY 11520	50,633.33	50,633.33	7,595.00
10725-00723-2	Meknight, James E	233 Branch Ave Freeport, NY 11520-6007	633.33	633.33	95.00
10725-01683-3	Meknight, James E	233 Branch Ave Freeport, NY 11520-6007	50,633.33	50,633.33	7,595.00

EXHIBIT A